IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 1083 of 2002

Between:

G.Yellaiah, S/o. G.Kanakaiah,
H.No.4-6-103, Reddy Colony,
Hanamkonda-506 001. Warangal District.

..... PETITIONER

AND

1. Kakatiya University, Rep. by its Registrar,
   Warangal.
2. Director, School of Distance Learning and Continuing

Education, Kakatiya University, Warangal.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents to relgularise the services of the Petitioner as Coordinator/Assistant director in the 2nd Respondent institution by declaring the inaction of the Respondents as illegal and void.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents.: MR.DEEPAK BHATTACHARJEE

The Court made the following:

ORDER:

This writ petition is filed to direct the respondents to regularize the services of the petitioner as Coordinator/Assistant Director in the 2nd respondent institution by declaring the inaction of the respondents in not regularizing his services as illegal and void.

Heard both counsel.

Learned counsel appearing for the petitioner contended that though the petitioner was appointed as a daily wage employee in the respondent institution in the year 1991 and was continuing till today, his services are not been regularized. Learned counsel also contended that the petitioner at present is working as Coordinator at the Regional Study Centre, Government Junior College, Hanumkonda with effect from 08.12.2004 and that the 2nd respondent has accorded approval to designate the petitioner for the said post, without any financial commitment and therefore, his services have to be regularized.

On the other hand, the learned counsel appearing for the respondents-university contended that since the petitioner was appointed as daily wage employee in the second respondent institute in the year 1991 with a consolidated pay of Rs.5000/-, which was enhanced to Rs.8,000/- per month, is not entitled for regularisation.

The main grievance of the petitioner is that even though, he is having a requisite qualifications for the post for which he is discharging duties, he was not given regular appointment or his services were regularised. He stated that he passed M.A in Political Science and M. Phil in Political Science and therefore, he is fully eligible

and qualified to hold the post of a Coordinator/Assistant Director.

From the above facts, though it is asserted by the petitioner that he is fully qualified, there must be a post available in the Respondent No.2 distant education or there should be at least a sanctioned post available in the respondent No.1 institution. In the absence of the same, the question of regularization of services of the petitioner in the cadre of coordinator/Assistant Director may not arise.

However, the learned counsel for the petitioner brought to the notice of this Court about regularisation of services of one Mr B.Murlidhar, who was appointed as a programmer and when his services were not regularized, he filed W.P.No.16516 of 1996 and this Court by ordered dated 17.02.2000 directed the respondents herein to regularize his services as programmer. He also brought to the notice of this Court another case of Mr T.Yadagiri Rao whose services were also similarly regularized as per the directions of this Court in W.P.No.12055 of 1996 dated 28-07.1998. Therefore, his case is that since he also stands on similar footing, his services also may be regularized.

But for regularization of services of the petitioner as a Coordinator/Assistant Director concurrance of the State Government is necessary under Section 49 of the A.P. Universities Act. Therefore, subject to such concurrence by the State Government, the writ petition can be disposed of.

Accordingly, the writ petition is disposed of directing the respondents to consider the case of the petitioner for regularization of the services of the petitioner as coordinator/Assistant Director after obtaining necessary concurrence from the State Government on par with the similarly situate candidates referred to herein above. No costs.

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11-07-2005

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To

1. The Registrar, Kakatiya University,
   Warangal.
2. The Director, School of Distance Learning and Continuing

Education, Kakatiya University, Warangal.

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